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**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

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**DEC - 4 2000**

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY**

In the Matter of )  
 )  
Amendment of Section 73.622(b), ) RM-  
Digital Television Table of Allotments, )  
(Hartford, Connecticut) )

To: Chief, Video Services Division, Mass Media Bureau

**REPLY OF FOX TELEVISION STATIONS, INC.  
TO MEREDITH OPPOSITION TO  
PETITION FOR RULEMAKING**

Fox Television Stations, Inc. ("Fox"), by its attorneys, replies to the Opposition, filed by Meredith Corporation ("Meredith") on November 17, 2000, to Fox's Petition for Rulemaking to amend the digital television ("DTV") Table of Allotments. In the underlying Petition for Rulemaking filed October 20, 2000, Fox proposed (1) the allotment of DTV channel 31 to WTIC-DT, Hartford, Connecticut, in lieu of DTV channel 5; (2) directional operation of WTIC-DT on channel 31; and (3) the collocation of WEDH-DT (DTV channel 32, Hartford, Connecticut) with WTIC-DT (DTV channel 31, Hartford, Connecticut). As demonstrated below, Meredith has offered no reason under the Commission's rules that justifies dismissal of Fox's Petition for Rulemaking.

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**I. Meredith's Unsupported Allegations Fail To Demonstrate that the Proposed Operation of WTIC-DT on Channel 31 Would Cause Interference to WFSB-DT.**

Section 73.622(a) of the Commission's rules provides that a request to amend the DTV Table of Allotments will be evaluated for technical acceptability using the engineering criteria set forth in section 73.623(c).<sup>1</sup> Even Meredith's consulting engineer concedes that under the Commission's technical rules "there is no predicted interference to [Meredith's] WFSB-DT on channel 33 from the proposed WTIC-DT operation on channel 31."<sup>2</sup>

Nevertheless, Meredith bases its Opposition on the mere speculation that the allocation of stations on four consecutive channels in close proximity could create a potential for interference.<sup>3</sup> Meredith, however, offers no engineering data in support of this speculation. Moreover, none of the Commission's DTV orders or processing guidelines (including OET Bulletin No. 69) indicates that consecutive channel allocation in close proximity would result in impermissible interference.<sup>4</sup>

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<sup>1</sup> See 47 C.F.R. §§ 73.622(a), 73.623(c).

<sup>2</sup> Meredith Engineering Statement at 2.

<sup>3</sup> See Meredith Opposition at 4-5.

<sup>4</sup> See Engineering Statement in Response by R. Evans Wetmore, P.E., attached hereto as Attachment A. Indeed, the DTV Table of Allotments contains a similar allotment of consecutive channels in the Washington, D.C. market – NTSC channel 32 and DTV channels 33, 34, 35, and 36 – and in the Miami, (continued...)

Because under the engineering criteria established by the Commission, the proposed DTV allotment would not result in new impermissible interference to the population served by any DTV station – including Meredith’s station WFSB-DT – Meredith’s unsupported speculation about potential interference does not justify dismissal of Fox’s Petition for Rulemaking.

**II. Fox’s Petition for Rulemaking Demonstrates that the Overall Public Interest Would Be Served by Waiver of Rule 73.623(c)(2).**

Fox’s Petition for Rulemaking demonstrates that the proposed allotment of DTV channel 31 to WTIC-DT, Hartford, serves the public interest by (1) increasing overall the number of persons able to receive interference-free television service in the congested northeast corridor, (2) enabling WTIC-DT to achieve greater service area replication by operating with a directional antenna on DTV channel 31, and (3) relieving short-spacing problems associated with the sub-optimum DTV channel 5 allotment in Hartford.

As the Petition for Rulemaking appropriately acknowledged, the proposed directional operation of WTIC-DT on channel 31 would result in minimal new interference of 0.05% to the baseline population of WVIT(TV), NTSC channel

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<sup>4</sup> (...continued)  
Florida market – NTSC channel 17 and DTV channels 18, 19, and 20. See Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, 14 FCC Rcd 1348, Appendix B (1998).

30, New Britain, Connecticut. Fox's requested allotment thus would result in the PERCENTLOSS for analog station WVIT(TV) increasing from the current level of 13.20% to 13.25%. Fox maintains that the significant public interest benefits outlined above and discussed in detail in the Petition for Rulemaking outweigh this minimal impairment to WVIT's analog coverage. Furthermore, this minimal impairment to WVIT's NTSC coverage will be only temporary because DTV-to-NTSC interference should cease once the DTV transition is complete.

Finally, contrary to Meredith's suggestion,<sup>5</sup> the Commission's rules do not require that Fox provide an engineering study demonstrating that the proposed channel 31 is the optimum channel and that no other channel is available for which a waiver would not be required. And Meredith has failed to offer any counter proposal that would not require temporary waiver of Section 73.623(c)(2) of the Commission's rules.<sup>6</sup> Fox, however, is not surprised that Meredith has not offered any viable

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<sup>5</sup> See Meredith Opposition at 6.

<sup>6</sup> Meredith also notes that its consulting engineer was unable to conduct an interference analysis of the proposed directional operation of WTIC-DT and collocation of WEDH-DT due to a lack of a copy of the antenna pattern and related data. See Meredith Engineering Statement at 3. While this information was included in Attachment A of the Petition as filed, on December 1, 2000 Fox served Meredith's attorney with a color copy of the Horizontal Plane Pattern and Vertical Plane Pattern (together with the tabulated data) for the proposed directional antenna. See Letter dated Dec. 1, 2000 to Magalie Roman Salas, Secretary, FCC, from Linda G. Morrison, attached hereto as (continued...)

counter proposal because Fox arrived at the proposed DTV channel 31 solution to the sub-optimum DTV channel 5 allotment only after exhaustive engineering analysis.

### **III. Conclusion**

For the foregoing reasons, Fox therefore requests that the Commission reject Meredith's Opposition and initiate a rulemaking to amend the DTV Table of Allotments by allotting DTV channel 31 at Hartford, Connecticut in place of DTV channel 5.

Respectfully submitted,

FOX TELEVISION STATIONS, INC.

By: *Linda G. Morrison*  
John C. Quale  
Linda G. Morrison  
SKADDEN, ARPS, SLATE,  
MEAGHER & FLOM LLP  
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(202) 371-7200  
(202) 393-5760

Its Attorneys

Dated: December 4, 2000

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<sup>6</sup> (...continued)  
Attachment B.

**ATTACHMENT A**  
**ENGINEERING STATEMENT IN RESPONSE**


## Engineering Statement

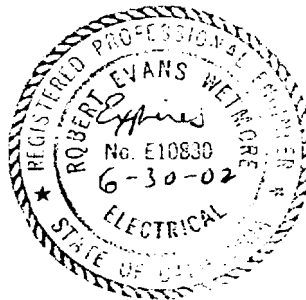
This Engineering Statement was prepared on behalf of Fox Television Stations, Inc. in response to the Engineering Statement by MLJ Consulting Telecommunications Engineers (dated November 11, 2000) in support of Meredith's Opposition to Fox's Petition for Rule Making.


The Meredith Opposition tries to raise fear predicated on four channels in the Hartford market being adjacent to each other. This "red herring" is raised without any engineering support whatsoever. There is nothing in OET-69, the ACATS proceedings, ATSC documents, or other FCC documents that indicates that "four channels in a row" is a problem when three of the four channels are DTV. Without some sort of scientific basis Meredith's assertion can only be deemed unfounded.

The Meredith Opposition also talks about interference, but provides no engineering showing that in fact any interference other than that set forth in the Fox Petition for Rule Making will exist. The Engineering Statement in Support of Fox's Petition for Rule Making was done using the FCC's own computer software (flr) for analysis.

Meredith Opposition appears to request some sort of proof that only channel 31 can be used and that some other channel cannot be found. Channel 31 was found by studying all possible channels. It was the only one that was viable in the highly congested Northeast Corridor. We believe the Commission's own experience in the Northeast will confirm our choice as the only viable channel.

  
R. Evans Wetmore, P.E.  
VP, Advanced Engineering  
News Technology Group



  
Michael Radford  
Senior Engineer  
News Technology Group

## ATTACHMENT B



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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Magalie Roman Salas  
Secretary  
Federal Communications Commission  
The Portals  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: Petition for Rulemaking  
Amendment of Section 73.622(b)  
Digital Television Table of Allotments (Hartford, Connecticut)

Dear Ms. Salas:

On October 20, 2000, Fox Television Stations, Inc. (Fox) filed a petition for rulemaking to amend the DTV Table of Allotments for Digital Television (DTV) stations by allotting DTV channel 31 to Station WTIC-TV, Hartford, Connecticut, in lieu of DTV channel 5. It appears that the color Figure 1 and the associated tabulated data attached to the Engineering Statement, which was filed with the Petition, inadvertently was not attached to the copy made available to the public through International Transcription Service, Inc. (ITS).

Attached hereto for association with the public copy of the Petition is a color copy of this Figure 1, which includes the Horizontal Plane Pattern and Vertical Plane Pattern, (together with the tabulated data) for the proposed directional antenna. A color copy of this Figure 1 is also being hand delivered to John Wells King, Attorney for Meredith Corporation, at the address indicated below.

Respectfully submitted,

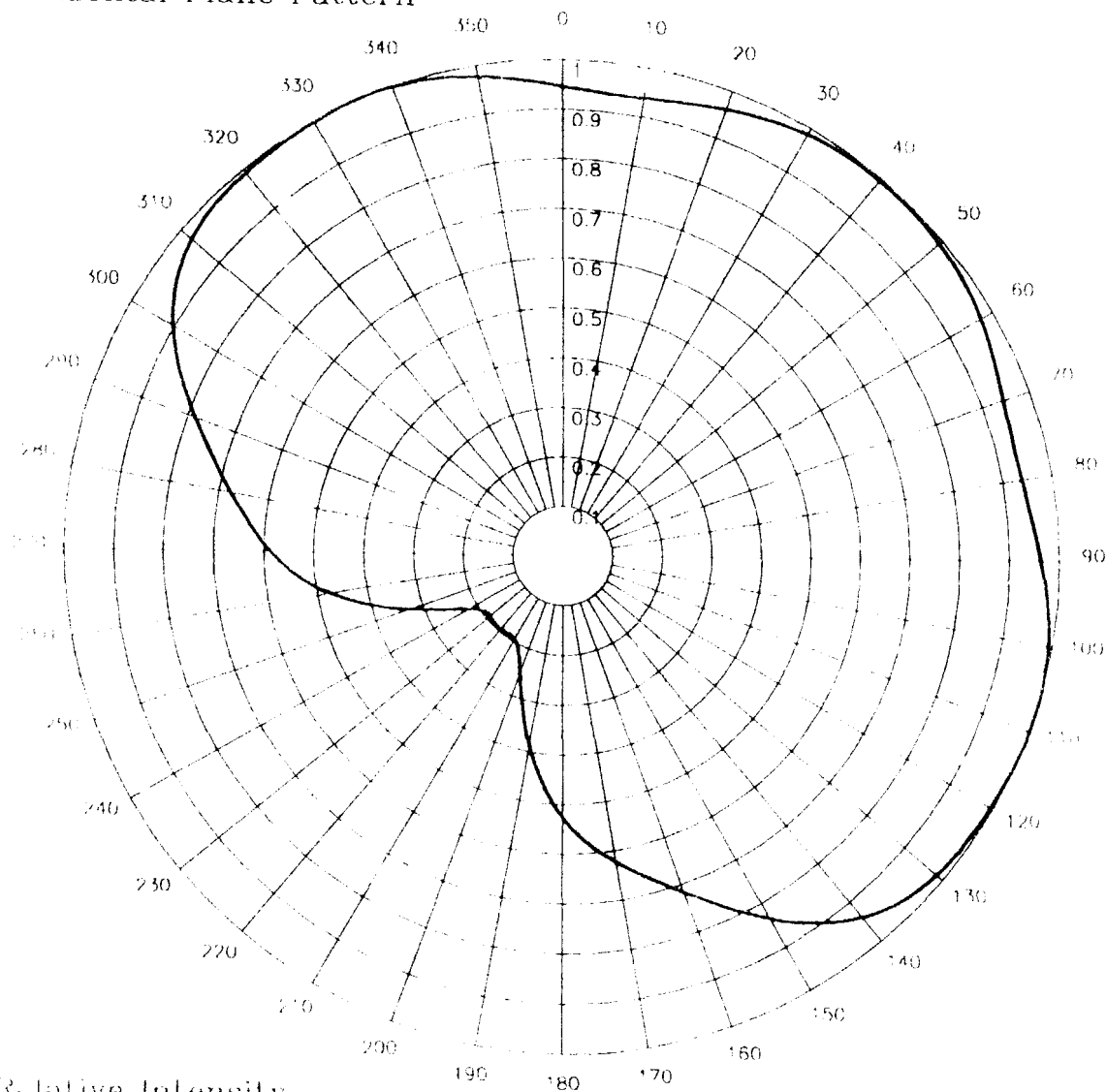
*Linda G. Morrison*

Linda G. Morrison

Attachment  
cc (w/attachment): International Transcription Service, Inc.

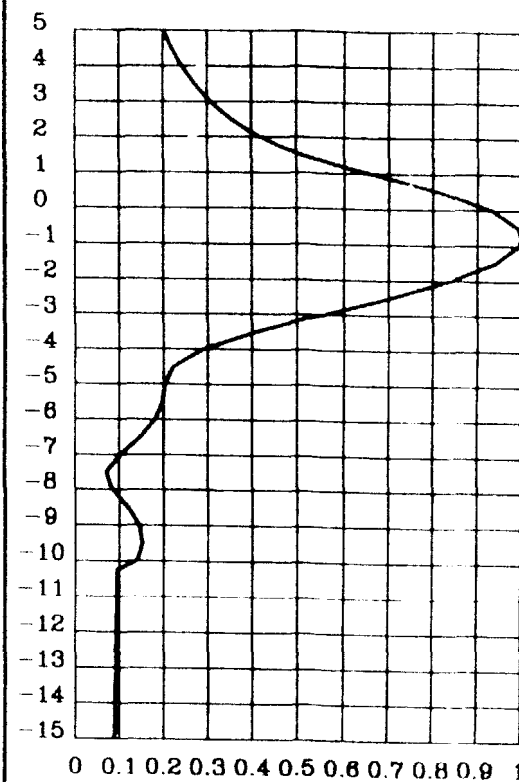
John Wells King, Esq.  
Garvey, Schubert & Barer  
1000 Potomac Street, NW, Fifth Floor  
Washington, DC 20007

# Horizontal Plane Pattern



Relative Intensity

# Vertical Plane Pattern



Pattern file: Figure 1-A

Figure 1-B  
Tabulated data for proposed antenna pattern

Azimuth	Field
100.0	1.945
101.0	1.934
102.0	1.921
103.0	1.904
104.0	1.894
105.0	1.881
106.0	1.871
107.0	1.845
108.0	1.834
109.0	1.803
110.0	1.881
111.0	1.914
112.0	1.934
113.0	1.950
114.0	1.957
115.0	1.957
116.0	1.950
117.0	1.934
118.0	1.904
119.0	1.881
120.0	1.834
121.0	1.776
122.0	1.688
123.0	1.600
124.0	1.512
125.0	1.424
126.0	1.336
127.0	1.248
128.0	1.160
129.0	1.072
130.0	1.000
131.0	0.928
132.0	0.856
133.0	0.784
134.0	0.712
135.0	0.640
136.0	0.568
137.0	0.496
138.0	0.424
139.0	0.352
140.0	0.280
141.0	0.208
142.0	0.136
143.0	0.064
144.0	0.000
145.0	0.064
146.0	0.136
147.0	0.208
148.0	0.280
149.0	0.352
150.0	0.424
151.0	0.496
152.0	0.568
153.0	0.640
154.0	0.712
155.0	0.784
156.0	0.856
157.0	0.928
158.0	0.996
159.0	1.064
160.0	1.132
161.0	1.200
162.0	1.268
163.0	1.336
164.0	1.404
165.0	1.472
166.0	1.540
167.0	1.608
168.0	1.676
169.0	1.744
170.0	1.812
171.0	1.880
172.0	1.948
173.0	2.016
174.0	2.084
175.0	2.152
176.0	2.220
177.0	2.288
178.0	2.356
179.0	2.424
180.0	2.492

**CERTIFICATE OF SERVICE**

I, Katherine Kline hereby certify that on this 4<sup>th</sup> day of December, 2000, a copy of the preceding Petition for Rulemaking of Fox Television Stations, Inc. was served by first class mail on the following:

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